

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MARK L. TUCKER SHARP,

Plaintiff,

v.

CAPURRO TRUCKING,

Defendants.

Case No. 3:22-cv-00071-ART-CSD

ORDER

*Pro se* Plaintiff Sharp brings this action against Cappurro Trucking. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Craig S. Denney (ECF No. 4), recommending dismissal of this action without prejudice and administratively closing the case. Sharp had until April 12, 2022, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, this Court adopts the R&R, and will dismiss this action without prejudice and administratively close the case.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but only if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that

1 the Court “need only satisfy itself that there is no clear error on the face of the  
2 record in order to accept the recommendation.”).

3 Because there is no objection, the Court need not conduct de novo review,  
4 and is satisfied Magistrate Judge Denney did not clearly err. Here, Sharp initiated  
5 this action by filing a document seeking an extension of time to file a civil action  
6 and pay the filing fee. (ECF No. 1-1.) He described various issues with the Cortez  
7 Mine and Capurro trucking including an unspecified incident, being a team  
8 player by agreeing not to get his blood pressure checked, and a termination from  
9 Capurro Trucking that he describes as wrongful. He also discusses contracts  
10 between Cortez Mine and Capurro Trucking. (ECF No. 1.) The document was not  
11 accompanied by the filing fee or an application to proceed in forma pauperis (IFP).

12 On March 29, 2022, the magistrate judge issued an order advising Plaintiff  
13 that a civil action is commenced by filing a complaint with the court, and a civil  
14 litigant must either pay the \$402 filing fee (consisting of the \$350 filing fee and  
15 \$50 administrative fee) or submit an application to proceed IFP. The magistrate  
16 judge also denied Plaintiff’s request to extend the time to file a civil action and  
17 gave him 30 days to file a complaint and either pay the \$402 filing fee or file a  
18 completed IFP application. (ECF No. 3.)

19 To date, Sharp has not filed a complaint, paid the filing fee or filed an IFP  
20 application. (ECF Nos. 3; 4.) The Court agrees with Magistrate Judge Denney.  
21 Having reviewed the R&R and the record in this case, the Court will adopt the  
22 R&R in full.

23 It is therefore ordered that Magistrate Judge Denney’s Report and  
24 Recommendation (ECF No. 4) is accepted and adopted in full.

25 It is further ordered that this action is dismissed without prejudice.

26 ///

27 ///

28 ///

1 It is further ordered that this case is administratively closed.

2  
3 DATED THIS 3<sup>rd</sup> Day of June 2022.

4 

5 ANNE R. TRAUM  
6 UNITED STATES DISTRICT JUDGE  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28